

1900P55321WOUS
Benzing et al.

REMARKS

Claim Status

By way of the above amendment, claim 1 has been amended and claims 2-8 are in their previously presented form. No new matter has been added. Currently, claims 1-8 are pending.

Claim Rejections – 35 USC §112

In paragraph 2 of the Office Action, the Examiner rejected claims 1 and 8 for informalities. The claims have been amended by way of a preliminary amendment in part to address the informalities identified by the Examiner. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 USC §102

In paragraph 4, the Examiner rejected claims 1-7 under 35 USC §102(e) as being anticipated by Burkhardt (US 6,439,903). Applicants traverse.

The present invention is directed to a holding device for a chip card wherein damage to the chip card contacts and the read/write heads is prevented through the use of a park position. The park position further effects protection against abuse of the holding device and/or card by defining the park position as a secure position within the holding device and away from external access. Within the park position, the read/write heads are disconnected from the chip card. Antecedent basis for the park position may be found in the specification on page 10, line 26 *et seq.* Accordingly, movement of the card relative to the heads will not result in damage to either. Claim 1 has been amended to highlight the parking position.

Burkhardt does not disclose a parking position. Rather, Burkhardt concerns a locking arrangement for a chip card holder. The card in the Burkhardt arrangement is either in a read position wherein the card is being read with the read/write heads contacting the chip card contacts or in a removal position wherein the chip card is being inserted or removed. There is no in-between parking position.

As Burkhardt does not disclose at least the instant park position, it is not available as an anticipatory prior art reference under a novelty based rejection, and accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

I900P55321WOUS
Benzing et al.

Claim Rejections - §103

In paragraph 6, the Examiner rejected claim 8 under 35 USC §103 as being unpatentable over Burkart in view of Shima *et al.* Applicants traverse.

Claim 8 depends from claim 1. Claim 8 further includes limitations directed to use of an electromagnet actuator. The Examiner noted that Burkart does not disclose the electromagnet limitation and turned to Shima to provide the missing teachings.

As set out above, Burkart does not disclose the instant park position. Shima does not provide the missing limitation. There is further no suggestion within either reference to modify the teachings thereof by the introduction of a park position. In addition, there is no teaching nor suggestion within Burkart to modify its arrangement so as to make use of an electro magnet actuator. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

1900P55321WOUS
Benzing et al.

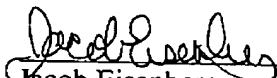
CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Applicants understand that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

The Examiner has cited several references in the rejection's *Conclusion* as pertinent prior art. Applicants have reviewed these references and at least for the reasons set out above believe the present application, as currently claimed, is allowable over the references.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 1900P55321WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: 03/29/2005
SIEMENS SCHWEIZ
Intellectual Property
IP, I-44
Albisriederstrasse 245
CH-8047 Zürich, Switzerland
Tel: +41 (0) 585 583 295
Fax: +41 (0) 585 583 228


Jacob Eisenberg
Attorney for Applicant
Registration No. 43,410
Customer No.: 28,204